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No. 04-3419

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

FILED

JUL 19 2005

LEONARD GREEN, Clerk

GRADUAL TAYLOR,

Plaintiff-Appellee,

v.

CHERYL HART,

Defendant-Appellant,

CITY OF CINCINNATI POLICE,

Defendant.

02 cv 446
ON APPEAL FROM THE UNITED
STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF OHIO

Before: MOORE and COOK, Circuit Judges; GWIN,* District Judge.

PER CURIAM. Finding that Gradual Taylor, proceeding pro se, sufficiently alleged facts—arrest and prosecution without probable cause based on the purposeful and malicious filing of a false police report—that, when viewed in a light most favorable to him, make out a Fourth Amendment violation by Officer Hart and obviate her entitlement to qualified immunity (regardless of the fine contours of such a claim in this circuit at the time of the maliciously false report), we affirm the judgment of the district court and remand for further proceedings.

*The Honorable James S. Gwin, United States District Judge for the Northern District of Ohio, sitting by designation.